

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK _____ x
BUFFETS, INC.,

Plaintiff, **ANSWER**

-against- **Civil Case No.:**
07 CIV 7209

OLD TOWN BUFFET RESTAURANT, INC.,

Defendant.
_____ x

A JURY TRIAL IS DEMANDED

The Defendant, **OLD TOWN BUFFET RESTAURANT, INC.** (hereinafter, "Defendant") by and through his attorneys, **REISMAN RUBEO & McCLURE, LLP**, sets forth the following as and for its answer to the complaint in this action:

1. Defendant denies knowledge or information sufficient to admit or deny the allegations set forth in paragraphs "1", "7", "8", "9", "10", "12", "15", "18", "22", "24", "30", and "32" of the complaint.
2. Defendant denies each and every allegation set forth in paragraphs "13", "14", "16", "19", "20", "23", "25", "26", "27", "28", "31", "33", "34", "35", "37", "38", "39", "41", "42", and "43" of the Complaint.
3. Defendant admits the allegations set forth in paragraphs "2", "4", "5", and "44" of the Complaint.
4. With respect to paragraph "3" of the complaint, Defendant admits the allegations set forth in the first sentence of that paragraph (regarding the statutory and common law bases for this action), admits that it operates a restaurant in Newburgh, NY called "Old Town Buffet", and otherwise denies knowledge or information sufficient to admit or deny the allegations set forth in

paragraph "3" of the complaint.

5. With respect to paragraph "6" of the complaint, Defendant admits that venue is proper in this district and denies each and every additional allegation set forth therein.

6. With respect to paragraph "11" of the complaint, Defendant admits that, in approximately August, 2006, its predecessor in interest began operating a restaurant called "Old Time Buffet", located 1431 Route 300, Store #6, Newburgh, NY, and denies knowledge or information sufficient to admit or deny each and every other allegation set forth therein.

7. With respect to paragraph "16" of the complaint, Defendant acknowledges receipt of written correspondence from the plaintiff in this action, and otherwise denies each and every allegation set forth therein.

8. With respect to paragraphs "21", "29," "36", and "40", of the complaint, Defendant repeats and reiterates each and every allegation set forth in each and every paragraph immediately preceding each numbered paragraph above them.

WHEREFORE, Defendant demands that this action be dismissed in its entirety along with costs, and disbursements of this action and such other and further relief as the Court deems to be just and proper.

Dated: October 8, 2007
White Plains, NY

Yours, etc.,

REISMAN, RUBEO & MCCLURE, LLP

BY: /s/
MARK I. REISMAN, ESQ. (MR 6073)
Attorneys for Defendant
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To: Fish & Richardson, P.C.
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Attention: Raymond R. Castello (RC2106)
Kristin McCallion (KM 5593)

AFFIRMATION OF SERVICE

I hereby certify that, on October 8, 2007, a copy of the foregoing Answer was filed electronically and served by mail upon anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of this Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's CM ECF system.

BUFFETS, INC., Plaintiff

Fish & Richardson, P.C.

Attorneys for Plaintiff

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New York, NY 10022-4611

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Attention: Raymond R. Castello (RC2106)

Kristin McCallion (KM 5593)

Dated: White Plains, NY

October 8, 2007

Yours, etc.

REISMAN, RUBEO & MCCLURE, LLP

BY:

/s/

MARK I. REISMAN, ESQ. (MR 6073)

Attorneys for Defendant

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September 26, 2007

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Citigroup Center
52nd Floor
153 East 53rd Street
New York, NY 10022-4611

Re: Buffets, Inc. -against- Old Town Buffet Restaurant, Inc.
Case No.: 07 CIV 7209

Dear Ms. McCallion:

My law firm will be representing the Defendant in the above captioned matter. I ask that you consent to extend until October 8, 2007 Defendant's time to serve its answer to the complaint. If this is acceptable, kindly indicate your consent by signing below and returning a signed copy of this letter to me via facsimile transmission. Thanks in advance for your courtesies.

Very truly yours,



Mark I. Reisman

I consent to the foregoing:

